

108TH CONGRESS
1ST SESSION

S. 1454

To establish a National Drought Council within the Department of Agriculture, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 24 (legislative day, JULY 21), 2003

Mr. DOMENICI (for himself, Mr. BAUCUS, Mr. ALLARD, Mr. ALLEN, Mr. BINGAMAN, Mr. BURNS, Mr. CAMPBELL, Mr. ENZI, Mr. JOHNSON, Mr. SMITH, Mr. WARNER, Mr. CRAIG, Mr. HAGEL, Mr. WYDEN, Mr. ROBERTS, Mr. NELSON of Nebraska, Ms. COLLINS, and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To establish a National Drought Council within the Department of Agriculture, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Drought Preparedness Act of 2003”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Findings.
 Sec. 3. Definitions.
 Sec. 4. Effect of Act.

TITLE I—DROUGHT PREPAREDNESS

Subtitle A—National Drought Council

Sec. 101. Membership and voting.
 Sec. 102. Duties of the Council.
 Sec. 103. Powers of the Council.
 Sec. 104. Council personnel matters.
 Sec. 105. Authorization of appropriations.
 Sec. 106. Termination of Council.

Subtitle B—National Office of Drought Preparedness

Sec. 111. Establishment.
 Sec. 112. Director of the Office.
 Sec. 113. Office staff.

Subtitle C—Drought Preparedness Plans

Sec. 121. Drought Assistance Fund.
 Sec. 122. Drought preparedness plans.
 Sec. 123. Federal plans.
 Sec. 124. State and tribal plans.
 Sec. 125. Regional and local plans.
 Sec. 126. Plan elements.

TITLE II—WILDFIRE SUPPRESSION

Sec. 201. Grants for prepositioning wildfire suppression resources.

3 **SEC. 2. FINDINGS.**

4 Congress finds that—

5 (1) drought is a natural disaster;

6 (2) regional drought disasters in the United

7 States cause serious economic and environmental

8 losses, yet there is no national policy to ensure an

9 integrated and coordinated Federal strategy to pre-

10 pare for, mitigate, or respond to such losses;

1 (3) drought has an adverse effect on resource-
2 dependent businesses and industries (including the
3 recreation and tourism industries);

4 (4) State, tribal, and local governments have to
5 increase coordinated efforts with each Federal agen-
6 cy involved in drought monitoring, planning, mitiga-
7 tion, and response;

8 (5) effective drought monitoring—

9 (A) is a critical component of drought pre-
10 paredness and mitigation; and

11 (B) requires a comprehensive, integrated
12 national program that is capable of providing
13 reliable, accessible, and timely information to
14 persons involved in drought planning, mitiga-
15 tion, and response activities;

16 (6) the National Drought Policy Commission
17 was established in 1998 to provide advice and rec-
18 ommendations on the creation of an integrated, co-
19 ordinated Federal policy designed to prepare for and
20 respond to serious drought emergencies;

21 (7) according to the report issued by the Na-
22 tional Drought Policy Commission in May 2000, the
23 guiding principles of national drought policy should
24 be—

1 (A) to favor preparedness over insurance,
 2 insurance over relief, and incentives over regu-
 3 lation;

4 (B) to establish research priorities based
 5 on the potential of the research to reduce
 6 drought impacts;

7 (C) to coordinate the delivery of Federal
 8 services through collaboration with State and
 9 local governments and other non-Federal enti-
 10 ties; and

11 (D) to improve collaboration among sci-
 12 entists and managers; and

13 (8) the National Drought Council, in coordina-
 14 tion with Federal agencies and State, tribal, and
 15 local governments, should provide the necessary di-
 16 rection, coordination, guidance, and assistance in de-
 17 veloping a comprehensive drought preparedness sys-
 18 tem.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) COUNCIL.—The term “Council” means the
 22 National Drought Council established by section
 23 101(a).

24 (2) CRITICAL SERVICE PROVIDER.—The term
 25 “critical service provider” means an entity that pro-

vides power, water (including water provided by an irrigation organization or facility), sewer services, or wastewater treatment.

(3) DIRECTOR.—The term “Director” means the Director of the Office appointed under section 112(a).

(4) DROUGHT.—The term “drought” means a natural disaster that is caused by a deficiency in precipitation—

(A) that may lead to a deficiency in surface and subsurface water supplies (including rivers, streams, wetlands, ground water, soil moisture, reservoir supplies, lake levels, and snow pack); and

(B) that causes or may cause—

(i) substantial economic or social impacts; or

(ii) physical damage or injury to individuals, property, or the environment.

(5) FUND.—The term “Fund” means the Drought Assistance Fund established by section 121(a).

(6) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 450b).

3 (7) INTERSTATE WATERSHED.—The term
4 “interstate watershed” means a watershed that
5 crosses a State or tribal boundary.

6 (8) MITIGATION.—The term “mitigation”
7 means a short- or long-term action, program, or pol-
8 icy that is implemented in advance of or during a
9 drought to minimize any risks and impacts of
10 drought.

11 (9) NATIONAL INTEGRATED DROUGHT SYS-
12 TEM.—The term “National Integrated Drought Sys-
13 tem” means a comprehensive system that collects
14 and integrates information on the key indicators of
15 drought, including stream flow, ground water levels,
16 reservoir levels, soil moisture, snow pack, climate
17 (including precipitation and temperature), and fore-
18 casts, in order to make usable, reliable, and timely
19 assessments of drought, including the severity of
20 drought.

21 (10) NEIGHBORING COUNTRY.—The term
22 “neighboring country” means Canada and Mexico.

23 (11) OFFICE.—The term “Office” means the
24 National Office of Drought Preparedness established
25 under section 111.

1 (12) SECRETARY.—The term “Secretary”
2 means the Secretary of Agriculture.

3 (13) TRIGGER.—The term “trigger” means the
4 thresholds or criteria that must be satisfied before
5 mitigation or emergency assistance may be provided
6 to an area—

7 (A) in which drought is emerging; or

8 (B) that is experiencing a drought.

9 (14) UNDER SECRETARY.—The term “Under
10 Secretary” means the Under Secretary of Agri-
11 culture for Natural Resources and Environment.

12 (15) WATERSHED.—

13 (A) IN GENERAL.—The term “watershed”
14 means—

15 (i) a region or area with common hy-
16 drology;

17 (ii) an area drained by a waterway
18 that drains into a lake or reservoir;

19 (iii) the total area above a designated
20 point on a stream that contributes water to
21 the flow at the designated point; or

22 (iv) the topographic dividing line from
23 which surface streams flow in 2 different
24 directions.

1 (B) EXCLUSION.—The term “watershed”
 2 does not include a region or area described in
 3 subparagraph (A) that is larger than a river
 4 basin.

5 (16) WATERSHED GROUP.—The term “water-
 6 shed group” means a group of individuals that—

7 (A) represents the broad scope of relevant
 8 interests in a watershed; and

9 (B) works in a collaborative manner to
 10 jointly plan the management of the natural re-
 11 sources in the watershed; and

12 (C) is formally recognized by each of the
 13 States in which the watershed lies.

14 **SEC. 4. EFFECT OF ACT.**

15 This Act does not affect—

16 (1) the authority of a State to allocate quan-
 17 tities of water under the jurisdiction of the State; or

18 (2) any State water rights established as of the
 19 date of enactment of this Act.

**TITLE I—DROUGHT
PREPAREDNESS
Subtitle A—National Drought
Council**

SEC. 101. MEMBERSHIP AND VOTING.

(a) IN GENERAL.—There is established in the Office of the Secretary a council to be known as the “National Drought Council”.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Council shall be composed of—

(A) the Secretary;

(B) the Secretary of Commerce;

(C) the Secretary of the Army;

(D) the Secretary of the Interior;

(E) the Director of the Federal Emergency Management Agency;

(F) the Administrator of the Environmental Protection Agency;

(G) 4 members appointed by the Secretary, in coordination with the National Governors Association—

(i) who shall each be a Governor of a State; and

1 (ii) who shall collectively represent the
2 geographic diversity of the United States;

3 (H) 1 member appointed by the Secretary,
4 in coordination with the National Association of
5 Counties;

6 (I) 1 member appointed by the Secretary,
7 in coordination with the United States Con-
8 ference of Mayors;

9 (J) 1 member appointed by the Secretary
10 of the Interior, in coordination with Indian
11 tribes, to represent the interests of tribal gov-
12 ernments; and

13 (K) 1 member appointed by the Secretary,
14 in coordination with the National Association of
15 Conservation Districts, to represent local soil
16 and water conservation districts.

17 (2) DATE OF APPOINTMENT.—The appointment
18 of each member of the Council shall be made not
19 later than 120 days after the date of enactment of
20 this Act.

21 (c) TERM; VACANCIES.—

22 (1) TERM.—

23 (A) IN GENERAL.—Except as provided in
24 subparagraph (B), a member of the Council
25 shall serve for the life of the Council.

1 (B) EXCEPTION.—A member of the Coun-
2 cil appointed under subparagraphs (G) through
3 (K) of subsection (b)(1) shall be appointed for
4 a term of 2 years.

5 (2) VACANCIES.—

6 (A) IN GENERAL.—A vacancy on the
7 Council—

8 (i) shall not affect the powers of the
9 Council; and

10 (ii) shall be filled in the same manner
11 as the original appointment was made.

12 (B) DURATION OF APPOINTMENT.—A
13 member appointed to fill a vacancy occurring
14 before the expiration of the term for which the
15 predecessor was appointed shall be appointed
16 only for the remainder of the term.

17 (d) MEETINGS.—

18 (1) IN GENERAL.—The Council shall meet at
19 the call of the co-chairs.

20 (2) FREQUENCY.—The Council shall meet at
21 least semiannually.

22 (e) QUORUM.—A majority of the members of the
23 Council shall constitute a quorum, but a lesser number
24 may hold hearings or conduct other business.

25 (f) CO-CHAIRS.—

1 (1) IN GENERAL.—There shall be a Federal co-
 2 chair and non-Federal co-chair of the Council.

3 (2) APPOINTMENT.—

4 (A) FEDERAL CO-CHAIR.—The Secretary
 5 shall be Federal co-chair.

6 (B) NON-FEDERAL CO-CHAIR.—Every 2
 7 years, the Council members appointed under
 8 subparagraphs (G) through (K) of subsection
 9 (b)(1) shall select a non-Federal co-chair from
 10 among the members appointed under those sub-
 11 paragraphs.

12 (g) DIRECTOR.—

13 (1) IN GENERAL.—The Director shall serve as
 14 Director of the Council.

15 (2) DUTIES.—The Director shall serve the in-
 16 terests of all members of the Council.

17 **SEC. 102. DUTIES OF THE COUNCIL.**

18 (a) IN GENERAL.—The Council shall—

19 (1) not later than 1 year after the date of the
 20 first meeting of the Council, develop a comprehen-
 21 sive National Drought Policy Action Plan that—

22 (A)(i) delineates and integrates responsibil-
 23 ities for activities relating to drought (including
 24 drought preparedness, mitigation, research, risk

1 management, training, and emergency relief)
2 among Federal agencies; and

3 (ii) ensures that those activities are coordi-
4 nated with the activities of the States, local
5 governments, Indian tribes, and neighboring
6 countries;

7 (B) is consistent with—

8 (i) this Act and other applicable Fed-
9 eral laws; and

10 (ii) the laws and policies of the States
11 for water management;

12 (C) is integrated with drought manage-
13 ment programs of the States, Indian tribes,
14 local governments, watershed groups, and pri-
15 vate entities; and

16 (D) avoids duplicating Federal, State, trib-
17 al, local, watershed, and private drought pre-
18 paredness and monitoring programs in exist-
19 ence on the date of enactment of this Act;

20 (2) evaluate Federal drought-related programs
21 in existence on the date of enactment of this Act and
22 make recommendations to Congress and the Presi-
23 dent on means of eliminating—

24 (A) discrepancies between the goals of the
25 programs and actual service delivery;

1 (B) duplication among programs; and

2 (C) any other circumstances that interfere
3 with the effective operation of the programs;

4 (3) make recommendations to the President,
5 Congress, and appropriate Federal Agencies on—

6 (A) the establishment of common inter-
7 agency triggers for authorizing Federal drought
8 mitigation programs; and

9 (B) improving the consistency and fairness
10 of assistance among Federal drought relief pro-
11 grams;

12 (4) coordinate and prioritize specific activities
13 that will improve the National Integrated Drought
14 System by—

15 (A) taking into consideration the limited
16 resources for—

17 (i) drought monitoring, prediction,
18 and research activities; and

19 (ii) water supply forecasting; and

20 (B) providing for the development of an ef-
21 fective drought information delivery system
22 that—

23 (i) communicates drought conditions
24 and impacts to—

1 (I) decisionmakers at the Fed-
 2 eral, regional, State, tribal, and local
 3 levels of government;

4 (II) the private sector; and

5 (III) the public; and

6 (ii) includes near-real-time data, infor-
 7 mation, and products developed at the
 8 Federal, regional, State, tribal, and local
 9 levels of government that reflect regional
 10 and State differences in drought condi-
 11 tions;

12 (5) encourage and facilitate the development of
 13 drought preparedness plans under subtitle C, includ-
 14 ing establishing the guidelines under sections 121(c)
 15 and 122(a);

16 (6) based on a review of drought preparedness
 17 plans, develop and make available to the public
 18 drought planning models to reduce water resource
 19 conflicts relating to water conservation and
 20 droughts;

21 (7) develop and coordinate public awareness ac-
 22 tivities to provide the public with access to under-
 23 standable, and informative materials on drought, in-
 24 cluding—

1 (A) explanations of the causes of drought,
 2 the impacts of drought, and the damages from
 3 drought;

4 (B) descriptions of the value and benefits
 5 of land stewardship to reduce the impacts of
 6 drought and to protect the environment;

7 (C) clear instructions for appropriate re-
 8 sponses to drought, including water conserva-
 9 tion, water reuse, and detection and elimination
 10 of water leaks;

11 (D) information on State and local laws
 12 applicable to drought; and

13 (E) information on the assistance available
 14 to resource-dependent businesses and industries
 15 during a drought; and

16 (8) establish operating procedures for the Coun-
 17 cil.

18 (b) CONSULTATION.—In carrying out this section,
 19 the Council shall consult with groups affected by drought
 20 emergencies, including groups that represent—

21 (1) agricultural production, wildlife, and fishery
 22 interests;

23 (2) forestry and fire management interests;

24 (3) the credit community;

25 (4) rural and urban water associations;

- 1 (5) environmental interests;
- 2 (6) engineering and construction interests;
- 3 (7) the portion of the science community that
- 4 is concerned with drought and climatology;
- 5 (8) resource-dependent businesses and other
- 6 private entities (including the recreation and tourism
- 7 industries); and
- 8 (9) watershed groups.

9 (c) AGENCY ROLES AND RESPONSIBILITIES.—

10 (1) DESIGNATION OF LEAD AGENCIES.—

11 (A) DEPARTMENT OF COMMERCE.—The

12 Department of Commerce shall be the lead

13 agency for purposes of implementing subsection

14 (a)(4).

15 (B) DEPARTMENTS OF THE ARMY AND

16 THE INTERIOR.—The Department of the Army

17 and the Department of the Interior shall jointly

18 be the lead agency for purposes of imple-

19 menting—

20 (i) paragraphs (5) and (6) of section

21 subsection (a); and

22 (ii) section 122.

23 (C) DEPARTMENT OF AGRICULTURE.—The

24 Department of Agriculture, in cooperation with

25 the lead agencies designated under subpara-

1 graphs (A) and (B), shall be the lead agency
2 for purposes of implementing section 121.

3 (2) COOPERATION FROM OTHER FEDERAL
4 AGENCIES.—The head of each Federal agency shall
5 cooperate as appropriate with the lead agencies in
6 carrying out any duties under this Act.

7 (d) REPORTS TO CONGRESS.—

8 (1) ANNUAL REPORT.—

9 (A) IN GENERAL.—Not later than 1 year
10 after the date of the first meeting of the Coun-
11 cil, and annually thereafter, the Council shall
12 submit to Congress a report on the activities
13 carried out under this title.

14 (B) INCLUSIONS.—

15 (i) IN GENERAL.—The annual report
16 shall include a summary of drought pre-
17 paredness plans completed under sections
18 123 through 125.

19 (ii) INITIAL REPORT.—The initial re-
20 port submitted under subparagraph (A)
21 shall include any recommendations of the
22 Council under paragraph (2) or (3) of sub-
23 section (a).

24 (2) FINAL REPORT.—Not later than 7 years
25 after the date of enactment of this Act, the Council

1 shall submit to Congress a report that rec-
2 ommends—

3 (A) amendments to this Act; and

4 (B) whether the Council should continue.

5 **SEC. 103. POWERS OF THE COUNCIL.**

6 (a) HEARINGS.—The Council may hold hearings,
7 meet and act at any time and place, take any testimony
8 and receive any evidence that the Council considers advis-
9 able to carry out this title.

10 (b) INFORMATION FROM FEDERAL AGENCIES.—

11 (1) IN GENERAL.—The Council may obtain di-
12 rectly from any Federal agency any information that
13 the Council considers necessary to carry out this
14 title.

15 (2) PROVISION OF INFORMATION.—

16 (A) IN GENERAL.—Except as provided in
17 subparagraph (B), on request of the Secretary
18 or the non-Federal co-chair, the head of a Fed-
19 eral agency may provide information to the
20 Council.

21 (B) LIMITATION.—The head of a Federal
22 agency shall not provide any information to the
23 Council that the Federal agency head deter-
24 mines the disclosure of which may cause harm
25 to national security interests.

1 (c) POSTAL SERVICES.—The Council may use the
2 United States mail in the same manner and under the
3 same conditions as other agencies of the Federal Govern-
4 ment.

5 (d) GIFTS.—The Council may accept, use, and dis-
6 pose of gifts or donations of services or property.

7 (e) FEDERAL FACILITIES.—If the Council proposes
8 the use of a Federal facility for the purposes of carrying
9 out this title, the Council shall solicit and consider the
10 input of the Federal agency with jurisdiction over the fa-
11 cility.

12 **SEC. 104. COUNCIL PERSONNEL MATTERS.**

13 (a) COMPENSATION OF MEMBERS.—

14 (1) NON-FEDERAL EMPLOYEES.—A member of
15 the Council who is not an officer or employee of the
16 Federal Government shall serve without compensa-
17 tion.

18 (2) FEDERAL EMPLOYEES.—A member of the
19 Council who is an officer or employee of the United
20 States shall serve without compensation in addition
21 to the compensation received for services of the
22 member as an officer or employee of the Federal
23 Government.

24 (b) TRAVEL EXPENSES.—A member of the Council
25 shall be allowed travel expenses at rates authorized for an

1 employee of an agency under subchapter I of chapter 57
 2 of title 5, United States Code, while away from the home
 3 or regular place of business of the member in the perform-
 4 ance of the duties of the Council.

5 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated to carry out
 7 this title \$2,000,000 for each of fiscal years 2004 through
 8 2011.

9 **SEC. 106. TERMINATION OF COUNCIL.**

10 The Council shall terminate 8 years after the date
 11 of enactment of this Act.

12 **Subtitle B—National Office of**
 13 **Drought Preparedness**

14 **SEC. 111. ESTABLISHMENT.**

15 The Secretary shall establish an office to be known
 16 as the “National Office of Drought Preparedness”, which
 17 shall be under the jurisdiction of the Under Secretary, to
 18 provide assistance to the Council in carrying out this title.

19 **SEC. 112. DIRECTOR OF THE OFFICE.**

20 (a) APPOINTMENT.—

21 (1) IN GENERAL.—The Under Secretary shall
 22 appoint a Director of the Office under sections 3371
 23 through 3375 of title 5, United States Code.

24 (2) QUALIFICATIONS.—The Director shall be a
 25 person who has experience in—

1 (A) public administration; and

2 (B) drought mitigation or drought man-
3 agement.

4 (b) POWERS.—The Director may hire such other ad-
5 ditional personnel or contract for services with other enti-
6 ties as necessary to carry out the duties of the Office.

7 **SEC. 113. OFFICE STAFF.**

8 (a) IN GENERAL.—The Office shall have at least 5
9 full-time staff, including the detailees detailed under sub-
10 section (b)(1).

11 (b) DETAILEES.—

12 (1) REQUIRED DETAILEES.—There shall be de-
13 tailed to the Office, on a nonreimbursable basis—

14 (A) by the Director of the Federal Emer-
15 gency Management Agency, 1 employee of the
16 Federal Emergency Management Agency with
17 expertise in emergency planning;

18 (B) by the Secretary of Commerce, 1 em-
19 ployee of the Department of Commerce with ex-
20 perience in drought monitoring;

21 (C) by the Secretary of the Interior, 1 em-
22 ployee of the Bureau of Reclamation with expe-
23 rience in water planning; and

1 (D) by the Secretary of the Army, 1 em-
 2 ployee of the Army Corps of Engineers with ex-
 3 perience in water planning.

4 (2) ADDITIONAL DETAILEES.—

5 (A) IN GENERAL.—In addition to any em-
 6 ployees detailed under paragraph (1), any other
 7 employees of the Federal Government may be
 8 detailed to the Office.

9 (B) REIMBURSEMENT.—An employee de-
 10 tailed under subparagraph (A) shall be detailed
 11 without reimbursement, unless the Secretary,
 12 on the recommendation of the Director, deter-
 13 mines that reimbursement is appropriate.

14 (3) CIVIL SERVICE STATUS.—The detail of an
 15 employee under paragraph (1) or (2) shall be with-
 16 out interruption or loss of civil service status or
 17 privilege.

18 **Subtitle C—Drought Preparedness** 19 **Plans**

20 **SEC. 121. DROUGHT ASSISTANCE FUND.**

21 (a) ESTABLISHMENT.—There is established in the
 22 Treasury of the United States a fund to be known as the
 23 “Drought Assistance Fund”.

24 (b) PURPOSE.—The Fund shall be used to pay the
 25 costs of—

1 (1) providing technical and financial assistance
2 (including grants and cooperative assistance) to
3 States, Indian tribes, local governments, watershed
4 groups, and critical service providers for the develop-
5 ment and implementation of drought preparedness
6 plans under sections 123 through 125;

7 (2) providing to States, Indian tribes, local gov-
8 ernments, watershed groups, and critical service pro-
9 viders the Federal share, as determined by the Sec-
10 retary, in consultation with the other members of
11 the Council, of the cost of mitigating the overall risk
12 and impacts of droughts;

13 (3) assisting States, Indian tribes, local govern-
14 ments, watershed groups, and critical service pro-
15 viders in the development of mitigation measures to
16 address environmental, economic, and human health
17 and safety issues relating to drought;

18 (4) expanding the technology transfer of
19 drought and water conservation strategies and inno-
20 vative water supply techniques;

21 (5) developing post-drought evaluations and
22 recommendations; and

23 (6) supplementing, if necessary, the costs of im-
24 plementing actions under section 102(a)(4).

25 (c) GUIDELINES.—

1 (1) IN GENERAL.—The Secretary, in consulta-
2 tion with the non-Federal co-chair and with the con-
3 currence of the Council, shall promulgate guidelines
4 to implement this section.

5 (2) GENERAL REQUIREMENTS.—The guidelines
6 shall—

7 (A) ensure the distribution of amounts
8 from the Fund within a reasonable period of
9 time;

10 (B) take into consideration regional dif-
11 ferences;

12 (C) take into consideration all impacts of
13 drought in a balanced manner;

14 (D) prohibit the use of amounts from the
15 Fund for Federal salaries that are not directly
16 related to the provision of drought assistance;

17 (E) require that amounts from the Fund
18 provided to States, local governments, water-
19 shed groups, and critical service providers
20 under subsection (b)(1) be coordinated with and
21 managed by the State in which the local govern-
22 ments, watershed groups, or critical service pro-
23 viders are located, consistent with the drought
24 preparedness priorities and relevant water man-
25 agement plans in the State;

(F) require that amounts from the Fund provided to Indian tribes under subsection (b)(1) be used to implement plans that are, to the maximum extent practicable—

(i) coordinated with any State in which land of the Indian tribe is located; and

(ii) consistent with existing drought preparedness and water management plans of the State; and

(G) require that a State, Indian tribe, local government, watershed group, or critical service provider that receives Federal funds under paragraph (2) or (3) of subsection (b) pay, using amounts made available through non-Federal grants, cash donations made by non-Federal persons or entities, or any other non-Federal funds, not less than 25 percent of the total cost of carrying out a project for which Federal funds are provided under this Act.

(3) SPECIAL REQUIREMENTS APPLICABLE TO INTERSTATE WATERSHEDS.—

(A) DEVELOPMENT OF DROUGHT PREPAREDNESS PLANS.—The guidelines promulgated under paragraph (1) shall require that, to

1 receive financial assistance under subsection
2 (b)(1) for the development of drought prepared-
3 ness plans for interstate watersheds, the States
4 or Indian tribes in which the interstate water-
5 shed is located shall—

6 (i) cooperate in the development of
7 the plan; and

8 (ii) in developing the plan—

9 (I) ensure that the plan is con-
10 sistent with any applicable State and
11 tribal water laws, policies, and agree-
12 ments;

13 (II) ensure that the plan is con-
14 sistent and coordinated with any
15 interstate stream compacts;

16 (III) include the participation of
17 any appropriate watershed groups;
18 and

19 (IV) recognize that while imple-
20 mentation of the plan will involve fur-
21 ther coordination among the appro-
22 priate States and Indian tribes, each
23 State and Indian tribe has sole juris-
24 diction over implementation of the

1 portion of the watershed within the
2 State or tribal boundaries.

3 (B) IMPLEMENTATION OF DROUGHT PRE-
4 PAREDNESS PLANS.—The guidelines promul-
5 gated under paragraph (1) shall require that, to
6 receive financial assistance under subsection
7 (b)(1) for the implementation of drought pre-
8 paredness plans for interstate watersheds, the
9 States or Indian tribes in which the interstate
10 watershed is located shall, to the maximum ex-
11 tent practicable—

12 (i) cooperate in implementing the
13 plan;

14 (ii) in implementing the plan—

15 (I) provide that the distribution
16 of funds to all States and Indian
17 tribes in which the watershed is lo-
18 cated is not required; and

19 (II) consider the level of impact
20 within the watershed on the affected
21 States or Indian tribes; and

22 (iii) ensure that implementation of the
23 plan does not interfere with State water
24 rights in existence on the date of enact-
25 ment of this Act.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to the Fund such sums
 3 as are necessary to carry out subsection (b).

4 **SEC. 122. DROUGHT PREPAREDNESS PLANS.**

5 (a) IN GENERAL.—The Secretary of the Interior and
 6 the Secretary of the Army shall, with the concurrence of
 7 the Council, jointly promulgate guidelines for admin-
 8 istering a national program to provide technical and finan-
 9 cial assistance to States, Indian tribes, local governments,
 10 watershed groups, and critical service providers for the de-
 11 velopment, maintenance, and implementation of drought
 12 preparedness plans.

13 (b) REQUIREMENTS.—To build on the experience and
 14 avoid duplication of efforts of Federal, State, local, tribal,
 15 and regional drought plans in existence on the date of en-
 16 actment of this Act, the guidelines may recognize and in-
 17 corporate those plans.

18 **SEC. 123. FEDERAL PLANS.**

19 (a) IN GENERAL.—The Secretary, the Secretary of
 20 the Interior, the Secretary of the Army, and other appro-
 21 priate Federal agency heads shall develop and implement
 22 Federal drought preparedness plans for agencies under
 23 the jurisdiction of the appropriate Federal agency head.

24 (b) REQUIREMENTS.—The Federal plans—

25 (1) shall be integrated with each other;

1 (2) may be included as components of other
2 Federal planning requirements;

3 (3) shall be integrated with drought prepared-
4 ness plans of State, tribal, and local governments
5 that are affected by Federal projects and programs;
6 and

7 (4) shall be completed not later than 2 years
8 after the date of enactment of this Act.

9 **SEC. 124. STATE AND TRIBAL PLANS.**

10 States and Indian tribes may develop and implement
11 State and tribal drought preparedness plans that—

12 (1) address monitoring of resource conditions
13 that are related to drought;

14 (2) identify areas that are at a high risk for
15 drought;

16 (3) describes mitigation strategies to address
17 and reduce the vulnerability of an area to drought;
18 and

19 (4) are integrated with State, tribal, and local
20 water plans in existence on the date of enactment of
21 this Act.

22 **SEC. 125. REGIONAL AND LOCAL PLANS.**

23 Local governments, watershed groups, and regional
24 water providers may develop and implement drought pre-
25 paredness plans that—

- 1 (1) address monitoring of resource conditions
- 2 that are related to drought;
- 3 (2) identify areas that are at a high risk for
- 4 drought;
- 5 (3) describe mitigation strategies to address
- 6 and reduce the vulnerability of an area to drought;
- 7 and
- 8 (4) are integrated with corresponding State
- 9 plans.

10 **SEC. 126. PLAN ELEMENTS.**

11 The drought preparedness plans developed under sec-
12 tions 123 through 125—

- 13 (1) shall be consistent with Federal and State
- 14 laws, contracts, and policies;
- 15 (2) shall allow each State to continue to man-
16 age water and wildlife in the State;
- 17 (3) shall address the health, safety, and eco-
18 nomic interests of those persons directly affected by
19 drought;
- 20 (4) shall address the economic impact on re-
21 source-dependent businesses and industries, includ-
22 ing regional tourism;
- 23 (5) may include—
 - 24 (A) provisions for water management
 - 25 strategies to be used during various drought or

1 water shortage thresholds, consistent with State
2 water law;

3 (B) provisions to address key issues relat-
4 ing to drought (including public health, safety,
5 economic factors, and environmental issues such
6 as water quality, water quantity, protection of
7 threatened and endangered species, and fire
8 management);

9 (C) provisions that allow for public partici-
10 pation in the development, adoption, and imple-
11 mentation of drought plans;

12 (D) provisions for periodic drought exer-
13 cises, revisions, and updates;

14 (E) a hydrologic characterization study to
15 determine how water is being used during times
16 of normal water supply availability to anticipate
17 the types of drought mitigation actions that
18 would most effectively improve water manage-
19 ment during a drought;

20 (F) drought triggers;

21 (G) specific implementation actions for
22 droughts;

23 (H) a water shortage allocation plan, con-
24 sistent with State water law; and

1 (I) comprehensive insurance and financial
 2 strategies to manage the risks and financial im-
 3 pacts of droughts; and

4 (6) shall take into consideration—

5 (A) the financial impact of the plan on the
 6 ability of the utilities to ensure rate stability
 7 and revenue stream; and

8 (B) economic impacts from water short-
 9 ages.

10 **TITLE II—WILDFIRE** 11 **SUPPRESSION**

12 **SEC. 201. GRANTS FOR PREPOSITIONING WILDFIRE SUP-** 13 **PRESSION RESOURCES.**

14 Title II of the Robert T. Stafford Disaster Relief and
 15 Emergency Assistance Act (42 U.S.C. 5131 et seq.) is
 16 amended by adding at the end the following:

17 **“SEC. 205. GRANTS FOR PREPOSITIONING WILDFIRE SUP-** 18 **PRESSION RESOURCES.**

19 “(a) FINDINGS AND PURPOSE.—

20 “(1) FINDINGS.—Congress finds that—

21 “(A) droughts increase the risk of cata-
 22 strophic wildfires that—

23 “(i) drastically alter and otherwise ad-
 24 versely affect the landscape for commu-
 25 nities and the environment;

1 “(ii) because of the potential of such
2 wildfires to overwhelm State wildfire sup-
3 pression resources, require a coordinated
4 response among States, Federal agencies,
5 and neighboring countries; and

6 “(iii) result in billions of dollars in
7 losses each year;

8 “(B) the Federal Government must, to the
9 maximum extent practicable, prevent and sup-
10 press such catastrophic wildfires to protect
11 human life and property;

12 “(C) not taking into account State, local,
13 and private wildfire suppression costs, during
14 the period of 1996 through 2000, the Federal
15 Government expended over \$630,000,000 per
16 year for wildfire suppression costs;

17 “(D) in 2002, the Federal Government ex-
18 pended \$1,600,000,000 for wildfire suppression;

19 “(E) it is more cost-effective to prevent
20 wildfires by prepositioning wildfire fighting re-
21 sources to catch flare-ups than to commit mil-
22 lions of dollars to respond to large uncontrol-
23 lable fires; and

24 “(F) it is in the best interest of the United
25 States to invest in catastrophic wildfire preven-

1 tion and mitigation by easing the financial bur-
2 den of prepositioning wildfire suppression re-
3 sources.

4 “(2) PURPOSE.—The purpose of this section is
5 to encourage the mitigation and prevention of
6 wildfires by providing financial assistance to States
7 for prepositioning of wildfire suppression resources.

8 “(b) AUTHORIZATION.—Subject to the availability of
9 funds, the Director of the Federal Emergency Manage-
10 ment Agency (referred to in this section as the ‘Director’)
11 shall reimburse a State for the cost of prepositioning wild-
12 fire suppression resources on potential multiple and large
13 fire complexes when the Director determines, in accord-
14 ance with national and regional severity indices of the For-
15 est Service, that a wildfire event poses a threat to life and
16 property in the area.

17 “(c) ELIGIBILITY.—Wildfire suppression resources of
18 the Federal Government, neighboring countries, and any
19 State other than the State requesting assistance are eligi-
20 ble for reimbursement under this section.

21 “(d) REIMBURSEMENT.—

22 “(1) IN GENERAL.—The Director may reim-
23 burse a State for the costs of prepositioning of wild-
24 fire suppression resources of the entities specified in

1 subsection (c), including mobilization to, and demo-
2 bilization from, the staging or prepositioning area.

3 “(2) REQUIREMENTS.—For a State to receive
4 reimbursement under paragraph (1)—

5 “(A) any resource provided by an entity
6 specified in subsection (c) shall have been spe-
7 cifically requested by the State seeking reim-
8 bursement; and

9 “(B) staging or prepositioning costs—

10 “(i) shall be expended during the ap-
11 proved prepositioning period; and

12 “(ii) shall be reasonable.”.

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